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linking adjacent [the plurality of] panels through adjacent openings with at
least one loop; and
de-linking the plurality of panels.

Claim 45, line 3 delete "interacting with" and insert --passing through--.

REMARKS

This is in response to the Office Action mailed on March, 9, 1998 in which claims 1-48 were rejected. With this Office Action claims 13 and 17 have been canceled and claims 1, 3, 5, 14-16, 18, 24, 28 and 45 have been amended. The patent sought to be reissued is believed to be in a condition for allowance. Notice to that effect is respectfully requested.

In paragraph 2 the Examiner asks if the patent sought to be reissued is in litigation. The patent is in litigation. This was first identified in the original filing papers. All documents and materials which would be material to the patentability of the reissue application of which applicant is currently aware were made of record with the original papers. Any further information will be made of record as it or its significance becomes known to the applicant.

In paragraph 3, the drawings were objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Specifically, the office action states the following must be shown:

- the loops projecting both above and below the panels. This is shown in Figure 1 as originally submitted. (See Col. 2, Ins. 6-11).
- the cable anchored at either of its ends to anchoring means. The cable is well shown in Figure 2. Various means of anchoring a cable are old and well known. Under 37 CFR 1.83(b), the anchors do not need to be shown.
- the anchoring trench, the cover supported above a pond, covers on aqueous solution and tank. Anchoring trenches, covers above a pond, and covers on aqueous solutions have long been known as is set forth in the background of the invention. Col. 1, Ins. 6-12. Tanks are known equivalents of settling ponds. Under 37 CFR 1.83(b), the anchoring trench, the cover supported above a pond, aqueous solution and tank do not need to be shown.

For the reasons stated herein applicant respectfully requests withdrawal of the objection under 37 CFR 1.83(a).

In paragraph 5, claims 2, 9, 21, 27 and 43 were rejected under 35 U.S.C. §112. first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Office Action asserts,

- "There is no disclosure or showing in the figures of the loops disposed through the grommets projecting both above and below the panel units." Applicant respectfully traverses in view of Figure 1 and column 2, Ins, 6-11. The text and figure 1 specifically shows the loop projecting above the panel

units. "[C]able clamp 11 is attached the cable 7", which forms the loop above the panel, "beneath the casings 1." In Figure 1, such fastening between the clamp 11 and cable 7 appears to form a loop beneath the casings 1. Applicant believes the disclosure is directly states and to fasten the clamp and cable in the manner described herein.

- "There is inadequate written description of the broad recitation of a means for controlling temperature. Only insulation is ever disclosed." Applicant respectfully traverses. At least three modes of temperature control are disclosed. Insulation is of course one mode. Another mode is certainly prevention of evaporation with a cover, since evaporation is known to cause cooling. (See Office Action paragraph 12). A third mode is the material chosen. Geomembrane is most commonly a black material and as such has solar properties. Applicant submits that the patent discloses multiple methods for controlling temperature and as such the disclosure is more than adequate.
- "There is no description or showing of an anchoring trench." Applicant respectfully traverses. Column 1, lns. 1-11 provides that those skilled in the art laid the pond covers secured the covers with an anchoring trench. The application incorporates that known in the field at the time the application was filed.
- "There is no description or showing of the cover overlying a tank." Applicant respectfully traverses. One skilled in the art would recognize that a cover capable of being placed over the top of a solution would work whether the

solution was contained within a settling pond or contained within a settling tank. Tanks are considered to be part of the disclosure of this patent since, settling ponds and settling tanks were known to be equivalents at the time of filing the application resulting in the present patent.

In view of the above insights, Applicant believes the present objection under 35 U.S.C. §112 should be withdrawn. Notice of such withdrawal is respectfully requested.

In paragraph 7, claims 1-3 were rejected under 35 U.S.C. §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

- The Office Action asserts "In claim 1 "the entire row of said loops" lacks antecedent basis..." Claim 1 has been amended to replace "the entire row" with "an entire row."
- The Office Action further asserts that it is unclear how claim 3 further limits claim 1 from which it depends. Claim 1 provides at least one cable disposed through said vertical spaced grommets and formed into a loop projecting above said panel units. Claim 1 does not distinguish whether the loop is fashioned about the grommet or passes through the grommet. Claim 3 as amended provides the further limitation that the loop passes through the grommet.

Applicant submits that the present insights overcome the rejection under 35 U.S.C. §112 and that such rejection should be withdrawn. Notice to that effect is respectfully requested.

In paragraph 8, claims 1-4 were rejected under 35 U.S.C. §112 second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between elements. The assertion is made that the clamp means 11 is an essential element. Applicant respectfully traverses, since the cable clamp is not essential. The clamp was the preferred mode. However, one skilled in the art can form loops in a variety of fashions and/or with a variety of devices. With the cable disposed through adjacent grommets a loop can be fashioned to secure adjacent panels one to another. Claims 1-4 do require the forming of a loop. In view of these insights, Applicant respectfully requests withdrawal of the rejection of claims 1-4 under 35 U.S.C. §112 second paragraph.

In paragraph 9, claims 2, 9, 21, 27, and 43 were rejected under 35 U.S.C. §251 as being based upon new matter added to the patent for which reissue is sought. The added material allegedly not being supported by the prior patent is as follows: The grommets projecting both above and below the panel units, means for controlling temperature, anchoring trench and the cover overlying a tank. Applicant respectfully traverses for the reasons stated above in regard to the objection under 37 CFR 1.83(a). Further applicant has not drawn a claim to grommets projecting both above and below the panel units. Applicant believes that based upon these insights the rejection under 35 U.S.C. §251 should be withdrawn. Notice to that effect is respectfully requested.

In paragraph 11, claims 5-7, 9, 10, 12-19, 23-29, 31-33, 35-41, 44, and 45-48 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,590,714 to Walker. Applicant respectfully traverses. Applicant submits that at least claims 7, 17, 24, 25, 27, 31, 33, 45, 47, or 48 as originally submitted do not read on Walker. At

least claims 24, 25, 27, 47 and 48 positively recite the pond, or related, without reference to the preamble and should be given patentable weight. Claim 5 has been amended to further comprise "means for interconnecting the adjacent panels through adjacent openings with a loop." Walker does not use a loop to connect adjacent panels. Claims 6-12, 14-16 and 18-27 depend from claim 5. Claim 28 has been amended to require the panels be joined with "at least one loop." Walker does not use a loop to connect adjacent panels. Claims 29-41 and 43-48 depend from claim 28. Moreover, nothing in Walker teaches that it can be used for other than periodic water deflection. The cotton stitching in Walker is unlikely to remain in tact if the cover is allowed to sit in water, which would result in rapid degradation and destruction of the cover. This is even a problem, which is described in the Abstract of Walker. Walker is substantially non-analogous art in many respects. All claims are believed to be allowable over Walker. Therefore, Applicant respectfully requests withdraw of the rejection under 35. U.S.C. §102(b) as being anticipated by U.S. Patent 4,590,714 to Walker.

In paragraph 12, claims 5-7, 9, 13-15, 18-20, 22, 24-29, 31, 36-42, 45, 47, and 48 were rejected as anticipated by U.S. Patent 5,197,239 to Glynn et al. Applicant respectfully traverses. Glynn et al. does not teach at least claims 7, 17, and 36-42 as originally submitted. At least claims 24, 25, 27, 47 and 48 positively recite the pond, or related without reference to the preamble and should be given patentable weight. Applicant incorporated claim 17 into claim 5, canceling claims 13 and 17. Claim 5 has been amended to further comprise "means for interconnecting the adjacent panels through adjacent openings with a loop." Glynn does not connect adjacent panels

through adjacent openings using a loop. Claims 6-12, 14-16 and 18-27 depend from claim 5. Claim 28 has been amended to require "linking adjacent panels through adjacent openings with at least one loop." Glynn does not use a loop to connect adjacent panels through adjacent openings. Claims 29-41 and 43-48 depend from claim 28. All claims are believed to be allowable over Glynn et al. Therefore, Applicant respectfully requests withdraw of the rejection under 35. U.S.C. §102(b) as being anticipated by Glynn et al.

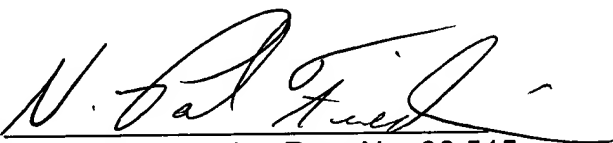
In paragraph 14, claims 8, 11, 20, 22, and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,590,714 to Walker. Claim 5 has been amended to further comprise "means for interconnecting the adjacent panels through adjacent openings with a loop." Claims 6-12, 14-16 and 18-27 depend from claim 5. Claim 28 has been amended to require the panels be joined with "at least one loop." Claims 29-41 and 43-48 depend from claim 28. Walker does not teach or suggest using a loop to connect adjacent panels. All claims are believed to be allowable over Walker. Therefore, Applicant respectfully requests withdraw of the rejection under 35. U.S.C. §103(a) as being anticipated by U.S. Patent 4,590,714 to Walker.

In paragraph 15, claims 1-4 were indicated as being allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112 set forth in the Office Action. Such claims have been appropriately amended and notification of allowability is respectfully requested.

Applicant submits that all objections and rejections have been overcome and should be withdrawn and that the patent sought to be re-issued is in a condition for

allowance. Notice to that effect is respectfully requested. Any questions concerning this application may be directed to **N. Paul Friederichs at (612) 862-0517.**

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